

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 19, 1999
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING	5
ROLL CALL	6
INVOCATION	6
PLEDGE OF ALLEGIANCE	6
NON-AGENDA COMMENT	7
COUNCIL COMMENT-1	7
ITEM-30: Approval of Council Minutes	8
ITEM-31: Lead Poison Prevention Awareness Week	9
ITEM-32: Lesbian and Gay Pride Week	9
ITEM-33: Norman T. Seltzer Day	10
ITEM-34: Diana L. Celle Day	11
ITEM-35: Fred Zuckerman Day	11
* ITEM-50: <u>Four</u> actions related to Adoption of the 1998 Model Building and Fire Codes with Municipal Code Amendments	12

Minutes of Monday, July 19, 1999
Table of Contents (Continued)

Page 2

* ITEM-51: Rezoning for the LI/Collins Project	14
* ITEM-52: Rezoning for the Holtze Executive Village Project	15
ITEM-53: There is no Item 53 on today's docket	16
* ITEM-100: <u>Three</u> actions related to the Final Subdivision Map of San Diego Spectrum Phase 1	16
* ITEM-101: <u>Three</u> actions related to the Final Subdivision Map of San Diego Spectrum Phase 2	17
* ITEM-102: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico	19
* ITEM-103: Amending the 1999 Legislative Calendar for Meetings of the San Diego City Council and Standing Committees, by canceling the Council Meetings of August 9 and 10, 1999 and September 10, 1999	19
* ITEM-104: Amending the 1999 Legislative Calendar for Meetings of the San Diego City Council and Standing Committees by Adding a Joint Meeting of the City Council and the Redevelopment Agency on Tuesday, September 7, 1999	20
* ITEM-105: Excusing Mayor Susan Golding from the June 21, 1999 Meeting of the Committee on Rules, Finance and Intergovernmental Relations	21
* ITEM-106: Lee Houck Day	21
* ITEM-107: Dr. Maria Morgan Day	22
* ITEM-108: Sewer Easement Grant - William Kortsch	22
* ITEM-109: Establish a Commercial Vehicle Prohibition on Zion Avenue	23
* ITEM-110: Land Sale - Hotel Circle South	24
* ITEM-111: Street Vacation and Lot Consolidation - Parcel Map W.O. No. 033000 (I.D. # 98-044)	26

* ITEM-112:	Appointment and Reappointments to the Park and Recreation Board	27
* ITEM-113:	Appointment to the Planning Commission	27
* ITEM-114:	Nominations to the San Diego Data Processing Corporation Board of Directors	28
* ITEM-115:	Request to Accept Floating Restroom from the State of California Department of Boating and Waterways	29
ITEM-116:	Approving Amendments to the Conflict of Interest Code for the Public Facilities Financing Authority	30
ITEM-150:	<u>Three</u> actions related to Recognition of the Encanto Neighborhoods Community Planning Group and Partially Withdrawing Recognition of the Southeast San Diego Development Committee and Conforming Amendments to the Southeastern San Diego Planned District Ordinance. (San Diego Municipal Code Section 103.1703)	30
ITEM-200:	Adult Entertainment Businesses	33
ITEM-201:	Facility Franchise Agreement with San Diego Landfill Systems, Inc.	35
ITEM-202:	Inviting Bids for the Construction of State Route 56 from West of Carmel Mountain Road to East of Black Mountain Road	36
ITEM-203:	<u>Two</u> actions related to Inviting Bids for the Construction of Home Avenue Trunk Sewer, Contract III	39
ITEM-204:	Black Mountain Reservoir Participation Agreement	41
ITEM-205:	Authorizing Expenditures for FY2000 Owner Controlled Insurance Program (OCIP) Insurance	43
ITEM-206:	Amendment #4 to the Agreement with EMA Services, Inc. to perform Consultant Services for Telemetry Control Systems - SCADA - Phase II	45

NON-DOCKET ITEMS	46
ADJOURNMENT	46

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:05 p.m. Mayor Golding offered the Council's hopes and prayers for John F. Kennedy, Jr., his wife, Carolyn Bessette Kennedy and her sister, Lauren Bessette.

Council Member McCarty acknowledged and welcomed Bob Knoth who is being reappointed to the Data Processing Corporation Board of Directors. Ms. McCarty thanked Mr. Knoth for his service to the community. Mayor Golding adjourned the meeting at 5:35 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Dr. Jimmie Hubbard of the Inner City Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Warden.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding multi-million dollar bond issues for the Charger Stadium, Convention Center, Padres Ballpark and the downtown Central Library. Mr. Stillwell stated that these projects fall under Section 90, Paragraph A, of the City Charter which requires two-thirds vote of the electors before bonds can be issued.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A033-055.)

COUNCIL COMMENT-1:

Comment by Deputy Mayor Wear regarding the Festival of Tall Ships that came into the San Diego Bay to commemorate the 150th anniversary of the State of California. He had the opportunity to sail on the Star and follow the procession into the bay and stated that it was quite an experience for him. The Mayor issued a special medallion to the captains of the various ships, which he had the honor of presenting last night aboard the U.S. Coast Guard Cutter Eagle. He also had the opportunity to post a note, posted by U.S. Postmaster, which he sent to City Clerk Charles Abdelnour from the Star of India. It was sent on July 13th and it arrived in three days, and is now part of the City records.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A058-075.)

COUNCIL COMMENT-2:

Comment by Council Member Vargas announcing the retirement of Assistant Chief Keith Enerson of the Police Department. Mr. Vargas stated that Assistant

Chief Enerson has been with the San Diego Police Department for 38 years and is an excellent police officer that did fantastic things for the community. He will be sorely missed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A076-084.)

COUNCIL COMMENT-3:

Comment by Council Member Stallings stating that she presented Maria Morgan a commendation at UCSD for dedicating her life to the improvement and health of the San Diego teenagers above and beyond the call of duty. Ms. Morgan also created San Diego's first program for pregnant teenagers, and cared for the County's most vulnerable teenagers at the Polinsky Center and Juvenile Hall.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A085-095.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

6/21/99
6/22/99
6/28/99
6/29/99

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A096-100.)

MOTION BY KEHOE TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-31: Lead Poison Prevention Awareness Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1573) ADOPTED AS RESOLUTION R-291887

Proclaiming the week of July 18 through 24, 1999 to be "Lead Poison Prevention Awareness Week" in San Diego, and urging the parents of San Diego to test their children and their homes for lead.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A101-142; A462-475.)

MOTION BY STALLINGS TO ADOPT ITEMS 31, 32, 33, 34 AND 35. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-32: Lesbian and Gay Pride Week.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-4) ADOPTED AS RESOLUTION R-291888

Encouraging all people to share in the pride of diverse citizenry, to unite harmoniously in the bonds of community and shared aspiration, and recognizing the many civic contributions of lesbian and gay children, parents, friends, neighbors, co-workers, organizations, families, and supporters;

Proclaiming July 19 through 25, 1999 to be "Lesbian and Gay Pride Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A143-212; A462-475.)

MOTION BY STALLINGS TO ADOPT ITEMS 31, 32, 33, 34 AND 35. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-33: Norman T. Seltzer Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1440) ADOPTED AS RESOLUTION R-291889

Commending Mr. Norman T. Seltzer for his years of service and dedication to the City of San Diego;

Proclaiming July 19, 1999 to be "Norman T. Seltzer Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A213-269; A462-475.)

MOTION BY STALLINGS TO ADOPT ITEMS 31, 32, 33, 34 AND 35. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-34: Diana L. Celle Day.

(Continued from the meeting of June 8, 1999, Item 30, at Councilmember Stallings's request, for further review.)

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1391 Rev.) ADOPTED AS RESOLUTION R-291890

Commending Diana L. Celle for her outstanding contribution to Holmes Elementary School, commitment to her students, and success with the national Toshiba Explora Vision and Craftsman Young Inventer competitions.

Proclaiming Monday, July 19, 1999 to be "Diana Celle Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A270-401; A462-475.)

MOTION BY STALLINGS TO ADOPT ITEMS 31, 32, 33, 34 AND 35. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-35: Fred Zuckerman Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1565) ADOPTED AS RESOLUTION R-291891

Commending and thanking Fred Zuckerman for his exemplary dedication to community service;

Declaring that on behalf of the citizens of San Diego, this Council recognizes the tremendous contributions Fred Zuckerman has made to the City of San Diego and to the community of Tierrasanta, and proclaiming July 19, 1999 to be "Fred Zuckerman Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A402-475.)

MOTION BY STALLINGS TO ADOPT ITEMS 31, 32, 33, 34 AND 35. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-50: Four actions related to Adoption of the 1998 Model Building and Fire Codes with Municipal Code Amendments.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 6/28/99. (Council voted 8-0. Councilmember Vargas not present):

Subitem-A: (O-99-121) ADOPTED AS ORDINANCE O-18656 (New Series)

Amending Chapter III, Article 3, Division 33, of the San Diego Municipal Code by amending Section 33.3313; amending Chapter III, Article 3, Division 35, by amending Section 33.3540; amending Chapter V, Article 4, Division 3, by amending Section 54.0309; amending Chapter VI, Article 1, Division 22, by amending Section 61.2202; amending Chapter IX, Article 1, Division 1, by amending Sections 91.0101, 91.0104, 91.0106, 91.0107, and 91.0108; amending Chapter IX, Article 1, Division 15, by amending Section 91.1503; amending Chapter IX, Article 1, Division 18, by amending Section 91.1804; amending Chapter IX, Article 1, Division 29, by amending Section 91.2902; amending Chapter IX, Article 1, Division 34, by amending Section 91.3404; amending Chapter IX, Article 1, Division 84, by amending Sections 91.8402 and 91.8403; amending Chapter IX, Article 5, Division 1, by amending Sections 95.0112 and 95.0113; amending Chapter IX, Article 6, Division 4, by amending Section 96.0403; amending Chapter IX, Article 8, Division 1, by amending Sections

98.0101 and 98.0103; amending Chapter IX, Article 8, Division 2, by amending Section 98.0202; amending Chapter X, Article 1, Division 4, by amending Section 101.0410; amending Chapter X, Article 1, Division 11, by amending Sections 101.1101 and 101.1122; amending Chapter X, Article 1, Division 5, by amending Section 101.0570; amending Chapter X, Article 1, Division 6, by amending Section 101.0620; amending Chapter X, Article 1, Division 7, by amending Section 101.0702; amending Chapter X, Article 3, Division 14, by amending Section 103.1424; amending Chapter X, Article 3, Division 16, by amending Section 103.1606; amending Chapter X, Article 3, Division 17, by amending Section 103.1704; amending Chapter X, Article 3, Division 4, by amending Section 103.0403; amending Chapter X, Article 3, Division 9, by amending Section 103.0959; amending Chapter X, Article 3, Division 20, by amending Sections 103.2002 and 103.2012; and amending Chapter 11, Article 1, Division 13, by amending Section 111.1305, all relating to the California Building Code.

Subitem-B: (O-99-122) ADOPTED AS ORDINANCE O-18657 (New Series)

Amending Chapter IX, Article 2, Division 1, of the San Diego Municipal Code by amending Sections 92.0102, 92.0103, 92.0106, 92.0107 and 92.0108; amending Chapter IX, Article 2, Division 2, by amending Sections 92.0201, 92.0202, 92.0203, 92.0204, 92.0205, 92.0207 and 92.0208; amending Chapter IX, Article 2, Division 3, by amending Sections 92.0301 and 92.0303; amending Chapter IX, Article 2, Division 5, by amending Sections 92.0504 and 92.0510; amending Chapter IX, Article 2, Division 6, by amending Sections 92.0607 and 92.0629, all relating to the Electrical Code.

Subitem-C: (O-99-123) ADOPTED AS ORDINANCE O-18658 (New Series)

Amending Chapter IX, Article 1, Division 85, of the San Diego Municipal Code by amending Section 91.8503; amending Chapter IX, Article 3, Division 1, by amending Sections 93.0102, 93.0103, 93.0109, 93.0110 and 93.0111; amending Chapter IX, Article 3, Division 3, by amending Sections 93.0301, 93.0302 and 93.0306; amending Chapter IX, Article 3, Division 4, by amending Section 93.0401; amending Chapter IX, Article 3, Division 5, by adding Section 93.0503; and amending Chapter 11, Article 1, Division 13, by amending Section 111.1306, all relating to the Municipal Plumbing and Mechanical Code.

Subitem-D: (O-99-132 Cor.Copy) ADOPTED AS ORDINANCE O-18659 (New Series)

Amending Chapter V, Article 5, Division 1, of the San Diego Municipal Code by amending Sections 55.0101 and 55.0103; amending Chapter V, Article 5, Division 9, by amending Sections 55.0910, 55.0202, and 55.0303; amending Chapter V, Article 5, Division 10, by amending Section 55.1003; amending Chapter V, Article 5, Division 25, by amending Section 55.2501; amending Chapter V, Article 5, Division 77, by amending Section 55.7701; amending Chapter V, Article 5, Division 78, by amending Section 55.7802; amending Chapter V, Article 5, Division 81, by amending Section 55.8102; amending Chapter V, Article 5, Division 91, Sections 55.9101 through 55.9105; and amending Chapter V, Article 5, Division 92, by amending Section 55.9201, all relating to the Uniform Fire Code.

FILE LOCATION: Subitems A-D: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-51: Rezoning for the LI/Collins Project.

(RZ-98-0405. Torrey Highlands Subarea Plan. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/22/99. (Council voted 9-0):

(O-99-128) ADOPTED AS ORDINANCE O-18660 (New Series)

Rezoning 7.4 acres located at the western terminus of Donaker Street, within the boundaries of the Torrey Highlands Subarea IV Plan of the North City Future

Urbanizing Area, from the A-1-10 (Agricultural) Zone into the R1-5000 (Single Family Residential) Zone.

FILE LOCATION: PERM 98-0405 (65)

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-52: Rezoning for the Holtze Executive Village Project.

(RZ-98-0768. Sorrento Hills Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/29/99. (Council voted 8-0. Councilmember Vargas not present):

(O-99-135) ADOPTED AS ORDINANCE O-18661 (New Series)

Rezoning a 3.70-acre site located at the southeast corner of Vista Sorrento Parkway and Ocean Bluff Avenue, from the M-1A (Industrial) Zone into the CV (Commercial Visitor) Zone.

FILE LOCATION: LAND - Sorrento Hills (10)

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-53: There is no Item 53 on today's docket.

* ITEM-100: Three actions related to the Final Subdivision Map of San Diego Spectrum Phase 1.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1597) ADOPTED AS RESOLUTION R-291892

Authorizing a Subdivision Improvement Agreement with LNR Kearny Mesa, Inc., for the installation and completion of public improvements.

Subitem-B: (R-99-1596) ADOPTED AS RESOLUTION R-291893

Approving the final map.

Subitem-C: (R-99-1598) ADOPTED AS RESOLUTION R-291894

Authorizing a Landscape Maintenance Agreement with LNR Kearny Mesa, Inc., for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 34.365 acre site into 8 lots for industrial development. It is located east of Kearny Villa Road in the Kearny Mesa Community. On November 10, 1997 the Council of the City of San Diego approved City Council Resolution No. R-289451 for San Diego Spectrum Phase 1. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29698-1-D through 29698-88-D, filed in the Office of the City Clerk under Micro Number 140.03. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$4,643,206 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount

of \$4,500 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. The onsite biological impact of this project is mitigated by acquisition of 9.0 acres of off-site coastal sage habitat and dedication to the City of San Diego in fee title. The applicant, by entering into a bonded agreement with the City, acknowledged the responsibility for improvement of the following intersections: Balboa Avenue/Viewridge Avenue, Balboa Avenue/Kearny Villa Road and Balboa Avenue/entrance to Sportmart shopping center. The applicant has obtained a letter of agreement from MTDB assuring the dedication of a Bus Transit Center and provision of a Park and Ride facility. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

FILE LOCATION: Subitems A-C: SUBD - San Diego Spectrum Phase 1 (40)

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-101: Three actions related to the Final Subdivision Map of San Diego Spectrum Phase 2.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1600) ADOPTED AS RESOLUTION R-291895

Authorizing a Subdivision Improvement Agreement with LNR Kearny Mesa, Inc., for the installation and completion of public improvements.

Subitem-B: (R-99-1599) ADOPTED AS RESOLUTION R-291896

Approving the final map.

Subitem-C: (R-99-1601) ADOPTED AS RESOLUTION R-291897

Authorizing a Landscape Maintenance Agreement with LNR Kearny Mesa, Inc.,
for the installation and completion of public improvements.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 139.985 acre site into 33 lots and lots "A" and "B", for industrial development. It is located east of Kearny Villa Road in the Kearny Mesa Community. On November 10, 1997 the Council of the City of San Diego approved City Council Resolution No. R-289451 for San Diego Spectrum Phase 2. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29738-1-D through 29738-119-D, filed in the Office of the City Clerk under Micro Number 140.04. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$9,189,836 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$12,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider has entered into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

FILE LOCATION: Subitems A-C: SUBD - San Diego Spectrum Phase 2
(40)

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-102: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-08) ADOPTED AS RESOLUTION R-291898

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-103: Amending the 1999 Legislative Calendar for Meetings of the San Diego City Council and Standing Committees, by canceling the Council Meetings of August 9 and 10, 1999 and September 10, 1999.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1602) ADOPTED AS RESOLUTION R-291899

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 1999 through

December 31, 1999, by canceling the Council meetings of August 9 and 10, 1999, and Friday, September 10, 1999, in the Council Chambers, 202 C Street, San Diego, CA 92101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-104: Amending the 1999 Legislative Calendar for Meetings of the San Diego City Council and Standing Committees by Adding a Joint Meeting of the City Council and the Redevelopment Agency on Tuesday, September 7, 1999.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1582) RETURNED TO CITY MANAGER

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 1999 through December 31, 1999 as follows:

Adding a Joint Meeting of the City Council and the Redevelopment Agency on Tuesday, September 7, 1999, at 10:00 a.m. in the Council Chambers, 202 C Street, San Diego, CA 92101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-105: Excusing Mayor Susan Golding from the June 21, 1999 Meeting of the Committee on Rules, Finance and Intergovernmental Relations.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1579) ADOPTED AS RESOLUTION R-291900

Excusing Mayor Susan Golding from attending the regularly scheduled meeting of the Committee on Rules, Finance and Intergovernmental Relations of June 21, 1999, due to other City business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

- * ITEM-106: Lee Houck Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1526) ADOPTED AS RESOLUTION R-291901

Proclaiming June 14, 1999 to be "Lee Houck Day" in San Diego in recognition of her volunteer work, and expressing appreciation for her unwavering dedication and service to our community and to the safety and welfare of our citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-107: Dr. Maria Morgan Day.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1568) ADOPTED AS RESOLUTION R-291902

Proclaiming June 25, 1999 to be "Dr. Maria Morgan Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-108: Sewer Easement Grant - William Kortsch.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1446) ADOPTED AS RESOLUTION R-291903

Authorizing the execution of an easement deed to William Kortsch for the purpose of constructing and maintaining a sewer easement across Lot 10, Block 45 of Map-295, granting all the City's right, title and interest in the sewer easement.

CITY MANAGER SUPPORTING INFORMATION:

Mr. Kortsch has requested a permanent easement to allow for construction and maintenance of the main sewer line servicing his future residence, which is currently under construction. The only feasible connection runs across City designated Open Space land. All other nearby homeowners have previously constructed sewer connections running across the 34th Street Canyon Open Space area. The Park and Recreation and Development Services Departments have agreed with the grant of the easement across the open space, provided the are disturbed be returned to its original surface condition, and be hydroseeded with native seed mix. The easement is five feet wide and 100 feet long, totaling 500 square feet. It is valued at \$1,000 by City Appraisal Staff.

FILE LOCATION: DEED F-7552

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-109: Establish a Commercial Vehicle Prohibition on Zion Avenue.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1505) ADOPTED AS RESOLUTION R-291904

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Zion Avenue between Waring Road and Mission Gorge Road;

Authorizing the installation of the necessary signs and markings to be made on the streets; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

Zion Avenue between Waring Road and Mission Gorge Road is 40 feet wide and has one lane in each direction. Some portion of this section of Zion Avenue are fronted by residential homes. Currently, this section of Zion Avenue experiences high volumes of traffic. A prohibition of commercial vehicles with a gross vehicle rating over five tons should enhance the safety of residents on this street and numerous side streets. Trucks making local deliveries and providing service on Zion Avenue are exempt from the proposed commercial vehicle prohibition.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-110: Land Sale - Hotel Circle South.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1202 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-291905

Authorizing the execution of a grant deed, granting to the Getz, Wagner & Mortenson Trust, all the City's right, title, and interest in a portion of Lot 1120 of Pueblo Lands of San Diego, according to Map by James Pascoe in 1870, filed in the office of the County Recorder on November 14, 1921, and known as Miscellaneous Map-36.

CITY MANAGER SUPPORTING INFORMATION:

The City owns an 8,773 square foot, triangular parcel of land zoned commercial office along Hotel Circle South in Mission Valley. This property was relinquished to the City on December 15, 1959 by the California Department of Transportation (CALTRANS). The City's parcel is on a steep hillside and is not independently developable. The Getz, Wagner and Mortenson Trust (Trust) as the adjacent property owner, requested to purchase the City parcel in order to increase their frontage and improve the marketability of their aggregate property to prospective developers. In conjunction with this action, a Street Vacation Plat to abandon the street right-of-way and a Consolidation Parcel Map are being processed concurrently. On March 9, 1999 the parcel was valued at \$32,500 by City staff.

NOTE: See Item 111 on today's docket for a companion item.

FILE LOCATION: DEED F-7553

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER, AS REQUESTED BY COUNCIL MEMBER STALLINGS, TO USE THE \$32,500 TOWARDS THE LESS THAN A MILE CRITICAL MISSING CONNECTION OF HOTEL CIRCLE TO THE OCEAN BEACH BICYCLE PEDESTRIAN PATH THAT CURRENTLY ENDS AT PACIFIC HIGHWAY. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-111: Street Vacation and Lot Consolidation - Parcel Map W.O. No. 033000 (I.D. # 98-044).

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1203) ADOPTED AS RESOLUTION R-291906

Approving Parcel Map W.O. No. 033000 (I.D. # 98-044) including the vacation of a portion of Hotel Circle South.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego currently owns an 8,733 square foot triangular parcel of land adjacent to Hotel Circle South in the Mission Valley Community Plan Area. This former right of way property was relinquished to the City of San Diego by the California Department of Transportation (CalTrans) on December 15, 1959. The City's parcel is on a steep hillside and is not independently developable. In 1997, the Getz, Wagner & Mortenson Trust as the adjacent property owner, requested to purchase the City parcel in order to increase their 17 feet of frontage and improve the marketability of their aggregate property to prospective developers. In preparation for this action, the Trust has prepared a Sales Plat to create a legal City parcel for conveyance and a Consolidation Parcel Map that includes the vacation of a portion of Hotel Circle South, in order to join the City parcel with its larger adjacent property. At this time, the Trust has fulfilled the land sale and parcel map requirements as brought forth by staff. These items are being presented to the City Council as companion items. Staff recommends approval.

NOTE: See Item 110 on today's docket for a companion item.

FILE LOCATION: SUBD - Parcel Map W.O. No. 033000 (I.D.# 98-044) (65)

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-112: Appointment and Reappointments to the Park and Recreation Board.

(See memorandum from Mayor Golding dated 6/16/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1527) ADOPTED AS RESOLUTION R-291907

Council confirmation of the following appointment and reappointments by the Mayor, to serve as members of the Park and Recreation Board, for terms ending March 1, 2001:

Darlene Gould Davies (reappointment)

Robert L. Robinson (reappointment)

Seth A. Leyton (replacing Virgilio Ike Enriquez, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-113: Appointment to the Planning Commission.

(See memorandum from Mayor Golding dated 6/24/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1578) ADOPTED AS RESOLUTION R-291908

Council confirmation of the appointment by the Mayor of Bruce G. Brown, to serve as a member of the Planning Commission, for a term ending January 28, 2000, replacing David E. Watson, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-114: Nominations to the San Diego Data Processing Corporation Board of Directors.

(See memorandum from Mayor Golding dated 6/16/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1528) ADOPTED AS RESOLUTION R-291909

Nominating the following persons to serve on the San Diego Data Processing Corporation Board of Directors:

<u>NAME</u>	<u>CATEGORY REPRESENTED</u>	<u>NOMINATED BY</u>
Jerome Moe	Law	Mayor Golding
Karen Hall	Finance	Mayor Golding

Robert J. Knoth

General Business

Mayor Golding

After full and complete public discussion and deliberation, re-electing Jerome Moe, Karen Hall and Robert J. Knoth to the Board of Directors of the San Diego Data Processing Corporation, for terms ending July 1, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-115: Request to Accept Floating Restroom from the State of California Department of Boating and Waterways.

(Rancho Bernardo and Del Dios Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1567) ADOPTED AS RESOLUTION R-291910

Authorizing the City Manager to accept the floating restroom facility from the State of California Department of Boating and Waterways for installation at Lake Hodges.

CITY MANAGER SUPPORTING INFORMATION:

There are floating restroom facilities at several of the Water Department Lakes. They are very popular with the boating public and serve to protect the water quality at the reservoirs where they are installed. In May of 1998, the floating restroom facility at Lake Hodges was destroyed by arson. The State of California Department of Boating and Waterways has agreed to furnish a new facility to replace the one that was lost.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-116: Approving Amendments to the Conflict of Interest Code for the Public Facilities Financing Authority.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-7) ADOPTED AS RESOLUTION R-291911

Approving the proposed amendments to Appendix A of the Conflict of Interest Code for the Public Facilities Financing Authority and incorporating it into the Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E592-031.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Three actions related to Recognition of the Encanto Neighborhoods Community Planning Group and Partially Withdrawing Recognition of the Southeast San Diego Development Committee and Conforming Amendments to the Southeastern San Diego Planned District Ordinance. (San Diego Municipal Code Section 103.1703)

(Southeastern San Diego Community Area. District-4.)

TODAY'S ACTION IS:

Adopt the following resolution in Subitem A and introduce the ordinances in Subitems B and C:

Subitem-A: (R-99-682 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-291912

Adoption of a Resolution Withdrawing recognition of the Southeast San Diego Development Committee for a portion of the community planning area and recognizing the Encanto Neighborhoods Community Planning Group.

Subitem-B: (O-99-85) INTRODUCED, TO BE ADOPTED AUGUST 2, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 17, of the San Diego Municipal Code by amending Section 103.1703 (Current Language) relating to the Southeast San Diego Planned District Applicable Regulations.

Subitem-C: (O-99-86) INTRODUCED, TO BE ADOPTED AUGUST 2, 1999

Introduction of an Ordinance amending Chapter X, Article 3, Division 17, of the San Diego Municipal Code by amending Section 103.1703 (as amended by Ordinance O-18494, adopted April 7, 1998, per the Zoning Code update) relating to the Southeast San Diego Planned District Applicable Regulations.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 6/21/99, RULES voted 4-0 to approve on Consent the recommendation by Councilmember Stevens on recognition of the Encanto Neighborhoods Community Planning Group and Partially Withdrawing Recognition of the Southeast San Diego Development Committee and Conforming Amendments to the Southeastern San Diego Planned District Ordinance (San Diego Municipal Code Section 103.1703) (Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor Golding not present.)

SUPPORTING INFORMATION:

The request is for City Council approval of a community planning group bylaws and the appointment of initial membership as proposed by the community in order for the Encanto Neighborhoods Community Planning Group to receive official recognition by the City of San Diego. This request also will partially unrecognized the Southeast San Diego Development Committee as to the new boundaries set forth in the planning area maps and approval of conforming amendments to the Southeastern Planned District Ordinance (San Diego Municipal Code Section 103.1703) to replace "Southeast San Diego Community Planning Committee" with "Recognized community planning group with responsibility for the area where the project is proposed." The purpose of the amendments is to create smaller planning committees that are representative of local interests to assist the City Council, the Planning Commission and the City Manager by providing local citizen participation in the planning process in the Southeastern San Diego communities that have similar land uses. With the leadership of Councilman George Stevens, a community planning committee formation task force comprised of interested representatives from resident, development and landowner interests within the community drafted bylaws according to Council Policy 600-24 (Standard Operating Procedures and Responsibilities of Recognized Community Planned Committees). The Draft bylaws for the new planning group provide for a Community Planning Board that is representative of diversified community interests as required by Council Policy 600-24. The Planning Board is proposed to have 16 seats with the provision that the Board may operate with a minimum of 12 members if the Board is unable to fill future positions. The draft bylaws for the existing planning group are the same as they were approved in December of 1989 with only a modification to the area of responsibility. The present community planning group in the Southeastern San Diego community plan area has the largest area of responsibility of any Community Planning Group in the City of San Diego. This action will allow those communities with little or no representation within the Southeastern San Diego community plan area that have similar land use issues to officially be recognized by the City of San Diego. This action will also facilitate growth and economic development within the proposed planned project areas by adding an additional recognized Community Planning Group to review and advise the City on projects and future development within the Southeastern San Diego community plan area.

FILE LOCATION: Subitem A: MEET; Subitems B-C: NONE

COUNCIL ACTION: (Tape location: B070-C295.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCES WITH DIRECTION TO STAFF TO ADD SHIRLEY JONES AND BRUCE WILLIAMS TO THE ENCANTO NEIGHBORHOODS COMMUNITY PLANNING GROUP MEMBERSHIP LIST. THE BOUNDARIES WILL BEGIN AT 805 RATHER THAN 47TH STREET. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200: Adult Entertainment Businesses.

CITY ATTORNEY'S RECOMMENDATION:

Introduce and adopt the following ordinance in Subitem A; and introduce the ordinance in Subitem B:

Subitem-A: (O-2000-4) INTRODUCED AND ADOPTED AS ORDINANCE
O-18662 (New Series)

Introduction and adoption of an Emergency Ordinance amending Chapter III, Article 3, Division 3, of the San Diego Municipal Code by amending Section 33.0306; amending Chapter III, Article 3, Division 5, by amending Sections 33.0501 and 33.0502; amending Chapter III, Article 3, Division 36 by amending Sections 33.3606 and 33.3608, and amending Chapter X, Article 1, Division 3, by amending Section 101.0304, all relating to the Application, Denial, Suspension, Revocation, and Appeal Processes for Adult Entertainment Businesses Operating or Desiring to Operate in the City of San Diego.

NOTE: 6 votes required for Subitem A.

Subitem-B: (O-2000-5) INTRODUCED, TO BE ADOPTED AUGUST 2, 1999

Introduction of an Ordinance amending Chapter III, Article 3, Division 3, of the San Diego Municipal Code by amending Section 33.0306; amending Chapter III, Article 3, Division 5, by amending Sections 33.0501 and 33.0502; amending Chapter III, Article 3, Division 36 by amending Sections 33.3606 and 33.3608,

and amending Chapter X, Article 1, Division 3, by amending Section 101.0304, all relating to the Application, Denial, Suspension, Revocation, and Appeal Processes for Adult Entertainment Businesses Operating or Desiring to Operate in the City of San Diego.

SUPPORTING INFORMATION:

A recent Ninth Circuit decision in *Baby Tam & Co. v. City of Las Vegas*, 154 F.3d 1097 (1998), held that cities requiring permits and licenses for adult entertainment businesses protected by the First Amendment must provide those wishing to open an adult entertainment business with prompt judicial review of denials of permits or licenses. That federal decision was followed last month by a San Diego Superior Court dismissing criminal charges against an adult entertainment business because the judge found that certain provisions of the Municipal Code regulating the establishment of adult entertainment businesses were unenforceable. In order to comply with the Ninth Circuit's ruling, the City must provide access to the judiciary in a prompt manner, which includes giving an applicant an expeditious administrative decision. Minimal procedural changes to the zoning use certificate procedures and police regulated business procedures are needed to bring them into compliance with Federal law. The State of California passed urgency legislation to address this problem on July 1, 1999 (S.B. II 65, Chapter 49, Statute of 1999, adding Section 1094.8 to the Code of Civil Procedure). An emergency exists in that the current procedures regulating where an adult entertainment business can locate, or who can operate such an establishment are vulnerable to constitutional attack in light of recent court rulings. This vulnerability to constitutional attack also means that other police regulations governing such businesses are also subject to constitutional attack. These regulations were created to minimize the adverse secondary effects in and around these businesses as acknowledged in the following studies: Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977). There is an immediate threat to property in that these businesses could potentially locate anywhere in the City, including residential areas or within close proximity to each other, negatively impacting property values due to the undesirable secondary effects of these businesses, as described in *Young v. American Mini-Theatres, Inc.*, 427 U.S. 50 (1976) and *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), and the studies referred to above. Enactment of these procedures will protect and preserve the constitutional rights of adult entertainment businesses protected by the First Amendment. The procedural changes consist solely of providing a timetable for the decision makers that will result in an applicant having a final determination within 30 days. A dissatisfied applicant will then be free

to writ the City's decision in the Superior Court where prompt judicial review can now be provided due to the State's recent urgency legislation. A quick determination on the City's part, and prompt access to the judicial system is what the law requires. The proposed procedural changes to the Municipal Code accomplish both of these things.

FILE LOCATION: Subitem A: MEET; Subitem B: NONE

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE FOR SUBITEM A, AND TO INTRODUCE THE ORDINANCE FOR SUBITEM B. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-201: Facility Franchise Agreement with San Diego Landfill Systems, Inc.

(Continued from the meeting of June 29, 1999, Item 333, at Councilmember Vargas's request, in order for him to be present.)

(See City Manager Report CMR-99-132. East Elliott Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-99-136) INTRODUCED, TO BE ADOPTED AUGUST 2, 1999

Awarding a nonexclusive solid waste facility franchise to San Diego Landfill Systems, Inc., and authorizing the City Manager to execute a franchise facility agreement with San Diego Landfill Systems, Inc. for the Sycamore Canyon Landfill.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C300-E591.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE APPROVING THE CITY MANAGER'S RECOMMENDATION TO GRANT A FRANCHISE TO THE SAN DIEGO LANDFILL SYSTEMS, INC., A SUBSIDIARY OF ALLIED WASTE INDUSTRIES INC., FOR CONTINUED OPERATION IN THE SYCAMORE CANYON LANDFILL. AUTHORIZE THE CITY MANAGER TO EXECUTE A SOLID WASTE FACILITY FRANCHISE AGREEMENT WITH SAN DIEGO LANDFILL SYSTEMS, INC. Second by Wear.

Motion by Stevens to continue this item to July 26, 1999, to consider options of where the trash would go and the legal part of this issue as it relates to the amendment. Second by Vargas. Failed. Yeas-4,8,M. Nays-1,2,3,5,6,7. Not present-none.

Amendment to the motion by Vargas to direct the City Attorney to develop language that states that solid waste generated in the out-of-city subregion north of Highway 56 will not be accepted by the Sycamore Landfill after the new north county landfill becomes operational. Second by McCarty. Failed. Yeas-4,7,8. Nays-1,2,3,5,6,M. Not present-none.

Main motion vote: Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-yea.

Motion by McCarty to direct the City Manager to include in their negotiations with Allied for the CUP and the EIR, the issue of reciprocal agreements regarding out-of-city north subregional trash. Second by Vargas. Vote not taken.

ITEM-202: Inviting Bids for the Construction of State Route 56 from West of Carmel Mountain Road to East of Black Mountain Road.

(Carmel Valley and Rancho Peñasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1571) ADOPTED AS RESOLUTION R-291913

Inviting bids for the Construction of State Route 56 from west of Carmel Mountain Road to East of Black Mountain Road on Work Order No. 524631;

Authorizing the execution of a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury;

Authorizing the City Manager to negotiate a Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation for funding and right-of-way acquisition for State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$5,250,000 from the San Diego Association of Governments, Fund 38961, for right-of-way acquisition for State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road, CIP-52-463.0, contingent upon the adoption of a Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury;

Authorizing the City Manager to negotiate and execute a Cooperative Agreement with the County of San Diego, San Diego Association of Governments and California Department of Transportation for funding and construction of State Route 56 from west of Carmel Mountain to east of Black Mountain Road, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$15,400,000 from the County of San Diego, Fund 38960, for the purpose of funding an irrevocable commitment to partially fund the construction of State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road, CIP-52-463.0, contingent upon the adoption of a Cooperative Agreement with the County of San Diego, San Diego Association of Governments and California Department of Transportation, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$7,850,000 from the San Diego Association of Governments, Fund 38961, for construction of State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road, CIP-52-463.0, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury, contingent upon receipt of a fully-executed Program Supplement;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$3,692,934 in State-Local Transportation Partnership Program funds, Fund 38819, for construction of State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road, CIP-52-463.0, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury, contingent upon receipt of a fully-executed Program Supplement;

Authorizing the expenditure of an amount not to exceed \$1,873,854 from Water Fund 41500, CIP-73-341.0, Rancho Bernardo No. 2, for the construction of State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are available in the City Treasury;

Authorizing the use of City Forces for the purpose of connections to the temporary and new water mains, as required in connection with the construction of State Route 56 from Carmel Mountain Road to east of Black Mountain Road; declaring that the cost of the work shall not exceed \$107,160;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$510,000 from CIP-73-331.0, Annual Allocation - CIP Contingencies to CIP-73-341.0, Rancho Bernardo Pipeline No. 2, for the purpose of providing funds for the construction of State Route 56 from west of Carmel Mountain Road to east of Black Mountain Road.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for the construction of the eastern segment of State Route 56. State Route 56, when completed, will provide an essential transportation connection between I-5 and I-15 which will improve mobility for local and regional traffic and reduce circuitous travel by completing the only east-west freeway linkage between I-5 and I-15 in the 25 mile gap between SR-78 and SR-52 in north San Diego County.

Aud. Cert. 9901326.

FILE LOCATION: CONT - Yeagar Construction Co.; W.O. 524631

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203: Two actions related to Inviting Bids for the Construction of Home Avenue Trunk Sewer, Contract III.

(City Heights Community Area. Districts-3 and 4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1334) ADOPTED AS RESOLUTION R-291914

Inviting bids for the Construction of Home Avenue Trunk Sewer, Contract III on Work Order No. 173951;

Establishing contract funding phases and authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$635,377 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station Rehabilitation to Sewer Fund 41506, CIP-46-139.2, Home Avenue Trunk Sewer Contract III;

Authorizing the expenditure of not to exceed \$4,669,750 from Fund 41506, CIP-46-139.2, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99263C)

Subitem-B: (R-99-1335) ADOPTED AS RESOLUTION R-291915

Certifying that the information contained in LDR-99-0221 Addendum to Mitigated Negative Declaration MND-88-0234, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Home Avenue Trunk Sewer was constructed in 1940 to carry sewage flow in the Mid-City community from El Cajon Boulevard to the Chollas Valley Trunk Sewer at Highway 94. The existing sewer main, located primarily on Home Avenue, has experienced many breaks due to deterioration of the old clay pipe. This pipe ranges in size from 15 to 24-inches in diameter and extends approximately 25,000 feet in length. Due to increased peak flows, it was determined

that the existing trunk sewer must be upgraded. The Home Avenue Trunk Sewer project was divided into three contracts. Construction of Home Avenue Trunk Sewer Contract No. 1, included the installation of approximately 7,000 feet of new sewer main from Highway 94 to Spillman Drive. The construction of Contract No. 1 was completed in October 1997. Contract No. 2 includes the installation of approximately 7,200 feet of new sewer main from Spillman Drive to Audburn Avenue. It also includes the rehabilitation of approximately 5,800 feet of the existing 15-inch sewer main, and is currently under construction and is at 30 percent completion. Contract No. 3 will include the installation of approximately 11,000 feet of new sewer main from Auburn Avenue to El Cajon Boulevard. Contract No. 3 will start after the construction completion of Contract No. 2, approximately in August 1999.

Aud. Cert. 2000014.

WWF-99-385.

FILE LOCATION: Subitems A-B: CONT - Cal Southwest Construction;
W.O. 173951

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-204: Black Mountain Reservoir Participation Agreement.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1576) ADOPTED AS RESOLUTION R-291916

Authorizing a Participation Agreement for the design and construction of the Black Mountain Reservoir, Pipeline, and Pressure Reducing Facility (Black Mountain Reservoir Participation Agreement) with the Black Mountain Ranch Developers LLC;

Authorizing the expenditure of an amount not to exceed \$16,470,000 from Water Revenue Fund No. 41500, CIP-73-216.0, for the purpose of providing funds for this project's construction and related costs, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserves;

Establishing contract funding phases for this agreement, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Black Mountain Ranch Developers, LLC, a Delaware Limited Liability Company, are the developers constructing the Black Mountain Ranch Development. As a condition of development, the Black Mountain Ranch Development is required to construct a 4.54 million gallon potable water reservoir to serve their project. Based upon the findings and recommendations of the Miramar (712)/North City (610) Water Study dated December 1997, the Water Department has the need for 20 million gallons of new potable water storage to serve the existing and future communities in the areas of Carmel Valley and Rancho Bernardo. The siting study for this new potable water storage determined that the best location was at the site of the proposed Black Mountain Reservoir. Siting this additional storage at the Black Mountain Reservoir minimized impacts to the existing communities and resulted in an overall cost savings to the project. Therefore, the size of the Black Mountain Ranch reservoir was increased from 4.54 million gallons to 25 million gallons. The reservoir will have two separate 12.5 million gallon basins for operational flexibility. One or both of the basins can be in service at any given time. A new 36-inch diameter transmission pipeline and pressure reducing station will be constructed to connect the reservoir to the existing water system. The estimated contract total of the 25 million gallon reservoir, transmission pipeline, and pressure reducing station is \$20,632,000. The Water Department's contract pro-rata share of the above facilities is \$16,400,000, of which Phase I totals \$14,627,907 is being requested with this action.

Aud. Cert. 2000020.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-205: Authorizing Expenditures for FY2000 Owner Controlled Insurance Program (OCIP) Insurance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1398 Cor. Copy) ADOPTED AS RESOLUTION R-291917

Authorizing the City Manager to obtain insurance from providers to be identified by Sedgwick James of California, Inc., for worker's compensation, general liability, and builder's risk, in connection with the owner controlled insurance program for the Metropolitan Wastewater Department, in an amount not to exceed \$5,478,255;

Authorizing the expenditure of an amount not to exceed \$5,478,255 to provide funds for insurance, to be expended as follows: \$209,786 from Fund No. 41506; \$1,279,187 from Fund No. 41508; and \$3,989,282 from Fund No. 41509, contingent on the adoption of the proposed Fiscal Year 2000 budget;

Authorizing the City Auditor and Comptroller to adjust CIP appropriations and expenditures to meet actual expense requirements in connection with the owner controlled insurance program.

CITY MANAGER SUPPORTING INFORMATION:

On June 21, 1994, the City Council adopted Resolution R-284112 approving the City to enter into a contract with Sedgwick James of California (Sedgwick) for administrative services for an Owner Controlled Insurance Program (OCIP). The types of insurance covered by OCIP include,

Worker's Compensation, General Liability, Builders's Risk and Excess Liability. With the continuation of the Point Loma Wastewater Treatment Plant upgrades, Job Order Contract and South Bay Water Reclamation Projects, the Metropolitan Wastewater Department (MWWD) previously requested to continue the OCIP and R-290979 approved Amendment #1 for Owner Controlled Insurance Program Agreement with Sedgwick James until December 31, 2001. Since the program's inception in July 1994, it has been extremely successful. Average savings to owners on these programs is around 30 percent of the premium. MWWD's OCIP is exceeding that by an additional 10 percent. The normal Incident Rate for a job similar to this is 9 to 10 recordable injuries per 100 employees and MWWD's Incident rate is 4 to 5. An analysis of 28 wrap-ups on similar programs without an OCIP shows that the average based on claims costs per one hundred dollars of payroll was \$6.64. MWWD is currently experiencing approximately \$2.20 per one hundred dollars of payroll. To date, MWWD's OCIP has saved in excess of \$1,000,000 per year. This request is to pay for estimated insurance premiums for workers compensation, general liability, builders risk and excess liability for capital improvement projects for expenditure in FY2000 and for Job Order Contract work that is funded from O&M and Wastewater Collections. These figures are estimates for FY2000 and an adjustment will be made year end based on actual costs.

Aud. Cert. 2000012.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-206: Amendment #4 to the Agreement with EMA Services, Inc. to perform Consultant Services for Telemetry Control Systems - SCADA - Phase II.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1577) ADOPTED AS RESOLUTION R-291918

Authorizing the City Manager to execute the fourth amendment to the agreement with EMA Services, Inc. to perform engineering consultant services for Telemetry Control Systems - SCADA - Phase II for an amount not to exceed \$438,930;

Authorizing the expenditure of an amount not to exceed \$638,930 in FY2000 from Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II, for providing funds for the project and related costs;

Authorizing the City Auditor and Comptroller upon advice from the administering department to transfer excess funds, if any, to the appropriate reserve.

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is nearing the end of Phase I of a two phase program to install a modern Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will monitor and control all water distribution sites. Phase I includes the central control and operations components as well as Remote Control Panels (RCPS) at 42 of the water distribution sites. Phase II of the SCADA project includes the installation of RCPs to control the remaining 80 water distribution sites. As part of Phase II, integration of SCADA data with other Water and City data is necessary to achieve increased customer service, water quality and overall effectiveness and efficiency of the Water Department operations. Additionally, database and application support from San Diego Data Processing Corporation to identify and analyze process and data requirements will be required at a cost not to exceed \$200,000. Amendment #4 with EMA Services, Inc., the existing SCADA consultant, will provide for continued design, data systems integration, and construction services for Phase II.

Aud Cert. 2000018.

WWF-99-396

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A479-B069.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:35 p.m. in honor of the memory of:

Esther Whitney, as requested by Mayor Golding; and

William S. Ivans, as requested by Mayor Golding and Council Member Mathis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F032-068.)